HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 23234 of 2007

Dated: 02-11-2007

Between:

Syed Shah Hamed Hussaini Saberi

..... PETIT

AND

Greater Hyderabad Municipal Corporation,
Rep., by its Commissioner,
Hyderabad and 2 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 23234 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to declare the action of respondent No.1 in refusing to receive and consider the petitioner's application for grant of building permission in respect of property admeasuring 893 square yards situated at Road No.12, Banjara Hills, Hyderabad on the ground that the application was not accompanied by no objection certificate from respondent No.3 as illegal and arbitrary and consequently to direct respondent Nos.1 and 2 to receive and consider the petitioner's application for building permission without insisting on no objection certificate.

At the hearing, Sri S.Niranjan Reddy, learned counsel for the petitioner submitted that for the limited purpose of consideration of the application for building permission, respondent Nos.1 and 2 have no power and jurisdiction to insist on production of no objection certificate from the District Collector. In support of his contention, he relied upon the judgment of this Court in **HYDERABAD POTTERIES PVT., LTD., V. COLLECTOR, HYDERABAD DISTRICT**.[1]

Sri K.Rama Rao, learned counsel representing Smt.Kalpana Ekbote, standing counsel for respondent No.1 fairly admitted this legal position.

In view of the same, the writ petition is disposed of without going into the merits of the case with a direction to respondents 1 and 2 to receive, consider and dispose of the application of the petitioner for building permission in respect of 893 square yards of land situated at Road No.1 Banjarahills, Hyderabad without insisting on no objection certificate from respondent No.3. It is, however, made clear that it is open to respondents 1 and 2 to insist on compliance with other statutory requirements of the petitioner as a condition for grant of building permission.

Subject to the above, the writ petition is disposed of. No costs.

C.V.NAGARJUNA REDDY,J

Date: 02-11-2007
KLP

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[1] 2001(3) ALT 200.